

MEMORANDUM

Agenda Item No. 11(A)(3)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 6, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing sale and
transfer of ownership of Miami-
Dade County Water Facilities to
Simon Property Group, Inc.
pursuant to the provisions of
Section 274.06, Florida Statutes

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 6, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(3).

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
5-6-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING SALE AND TRANSFER OF
OWNERSHIP OF MIAMI-DADE COUNTY WATER
FACILITIES TO SIMON PROPERTY GROUP, INC.
PURSUANT TO THE PROVISIONS OF SECTION 274.06,
FLORIDA STATUTES

WHEREAS, the Miami-Dade Water and Sewer Department provides water service to the shopping center located at or near the intersection of U.S. 1 and S.W. 136th Street, Miami, Florida, commonly known as The Falls Shopping Center, which shopping center is owned by Simon Property Group, Inc.; and

WHEREAS, Miami-Dade County owns the water infrastructure throughout the shopping center, including the infrastructure located between BJ's Restaurant and Brio Tuscan Grille, as depicted on the drawing attached hereto as Exhibit 1 (hereinafter the "Subject Infrastructure"); and

WHEREAS, the Subject Infrastructure consists of 227 feet of 8-inch ductile iron pipe, 296 feet of polyethelene tubing and 25 concrete meter boxes with cast iron covers; and

WHEREAS, the Subject Infrastructure has become difficult for the Miami-Dade Water and Sewer Department to access and maintain due to the manner in which the shopping center has been built out and developed over the years; and

WHEREAS, as a result of the shopping center's development, it has become uneconomical and inefficient for Miami-Dade County to continue owning and maintaining the Subject Infrastructure; and

WHEREAS, the Subject Infrastructure has been appraised at \$1,850.00 by an independent, County-approved appraiser; and

WHEREAS, because the Subject Infrastructure only provides water service to the tenants within the shopping center, the Subject Infrastructure has no use or value to anyone other than Simon Property Group, Inc., as the owner of The Falls Shopping Center; and

WHEREAS, Simon Property Group, Inc. has agreed to pay Miami-Dade County the appraised value (\$1,850.00) for the Subject Infrastructure,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby ratifies and adopts the foregoing recitals and finds that: (a) it is uneconomical and inefficient for Miami-Dade County to continue to own the Subject Infrastructure and (b) the Subject Infrastructure has no use or value to any person or entity other than Simon Property Group, Inc. The Board authorizes, pursuant to the provisions of Section 274.06, Florida Statutes, the sale and transfer of ownership of the Subject Infrastructure to Simon Property Group, Inc. for \$1,850.00 and also authorizes the Miami-Dade Water and Sewer Department to take all action necessary to effectuate the foregoing, including but not limited to, the preparation of all documents necessary for the sale and transfer of ownership of the Subject Infrastructure, which documents shall be approved by the County Attorneys' Office.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis

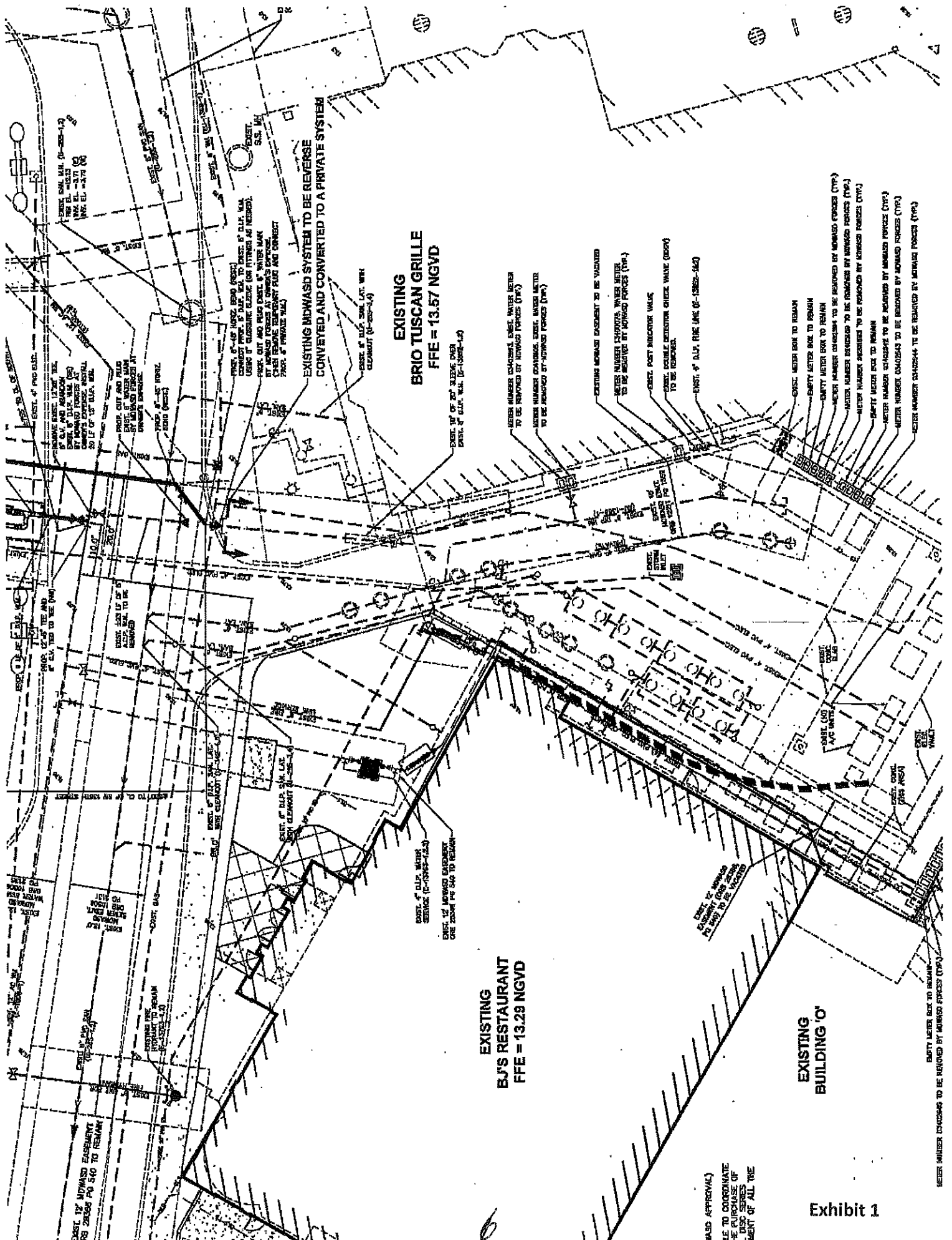


Exhibit 1